(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.2308 of 2006
In
First Appeal St.No.3659 of 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri P.J.Das for the applicants/appellants.

Smt.A.B.Barve for the respondents.

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CORAM: R.M.S.KHANDEPARKAR
&
SMT.ROSHAN DALVI, JJ

DATED: 3RD MAY 2006.

P.C.

. Heard. Bare perusal of the impugned judgment shows that the Motor Accident Claims Tribunal has arrived at the finding that the annual income of the deceased was more than Rs.7 lakhs, and considering the same, according to the appellants themselves, the respondents would be entitled for compensation to the tune of Rs.18 lakhs and not the amount which had been awarded by the Motor Accident Claims Tribunal. In the circumstances, there can

be no justification for refusal of the application filed by the respondents for disbursement of the amount of Rs.18 lakhs out of the total amount of compensation deposited by the appellants with the Tribunal. Hence, the application is partly allowed. The respondents/claimants are permitted to withdraw the amount of Rs.18 lakhs out of the total amount of compensation deposited by the appellants and after deduction of the said amount of Rs.18 lakhs, the balance amount shall be invested in any nationalised bank and the same shall be kept so invested till the expiry of two months after the disposal of the appeal filed in this Court. The application accordingly stands disposed of.

(R.M.S.KHANDEPARKAR, J)

(SMT.ROSHAN DALVI, J)